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Rehabilitation in the Punitive Era: The Gap between Rhetoric and Reality in U.S. Prison Programs

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Abstract

Scholars of mass incarceration point to the 1970s as a pivotal turning point in U.S. penal history, marked by a shift towards more punitive policies and a consensus that "nothing works" in rehabilitating inmates. However, while there has been extensive research on changes in policy-makers' rhetoric, sentencing policy, and incarceration rates, we know very little about changes in the actual practices of punishment and prisoner rehabilitation. Using nationally representative data for U.S. state prisons, this article demonstrates that there were no major changes in investments in specialized facilities, funding for inmate services-related staff, or program participation rates throughout the late 1970s and the 1980s. Not until the 1990s, more than a decade after the start of the punitive era, do we see patterns of inmate services change, as investments in programming switch from academic to reentry-related programs. These findings suggest that there is a large gap between rhetoric and reality in the case of inmate services and that since the 1990s, inmate "rehabilitation" has increasingly become equated with reentry-related life skills programs.

INTRODUCTION

The scale of imprisonment in the United States has grown in such a dramatic and sustained fashion over the past thirty years that it has become an obligation to begin articles with a comment on "mass" incarceration. By 2006, the incarceration rate hit 0.9% for men and 0.1% for women, with the total number of individuals incarcerated in state and federal prisons reaching over 1.6 million (Sabol et al. 2007). Even larger increases can be seen in the total number of individuals under correctional supervision, including individuals housed in jails and prisons and those living in the community on probation and parole (Glaze & Palla 2005).

These dramatic increases in the correctional population were largely the product of a series of sentencing and policy changes that ratcheted up criminal justice sanctions. Key among these changes was the move to determinant sentencing with sentencing guidelines and rubrics, mandatory minimum sentencing laws, truth-in-sentencing statutes, habitual offender laws, and the abolition of discretionary parole (Frost 2006). In addition, there has been a push towards more degrading forms of punishment such as the return of chain gangs, tougher penalties for young people convicted of crimes, increased panic and legislation concerning sex and drug-related crimes, and an increase in punitive "supermax" facilities (Garland 2001; Miller 1996).

These changes in the scale and nature of incarceration were accompanied by dramatic changes in the rationales for prison sentences and crime policies generally (Zimring 2001; Beckett 1997). Most scholars agree that one of the central changes in this period has been

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the "decline of the rehabilitative ideal"—the idea that prisons ought to serve as houses of reformation where inmates could be rehabilitated and prepared for a return to society (Garland 2001). In place of rehabilitation, deterrence and incapacitation became the explicit goals of prison in political discourse. This shift has alternately been called the "new punitiveness," "culture of control," or "new penology," but in all of its many forms, scholars have argued that the contemporary criminal justice system has become more punitive and less oriented towards rehabilitation (Pratt 2007; Garland 2001; Feeley & Simon 1992).

These changes are hypothesized to have had profound changes on the daily operations of prison facilities, which are now described by some researchers as enormous human "warehouses," rather than places for rehabilitation (Irwin 2005). Wacquant (2001) most eloquently describes this new view of the prison, writing:

> Summarily put, the 'Big House' that embodied the correctional ideal of melioristic treatment and community reintegration of inmates gave way to a race-divided and violence-ridden 'warehouse' geared solely to neutralizing social rejects by sequestering them physically from society – in the way that a classical ghetto wards off the threat of defilement posed by the presence of a dishonored group by encaging it within its walls, but in an ambience resonant with the fragmentation, dread, and despair of the post-Fordist hyperghetto (109).

From this quote, we can glean many of the key features of this perspective on the (de)evolution of prisons: it suggests that the older "Big House" prisons were centered on the notion of treatment, that this focus on treatment has now been cast aside, and that contemporary prisons are violent warehouses for people who have been judged irredeemable by society.

However, despite strong claims about the demise of rehabilitation, few empirical tests have documented how (or if) that actual practice of rehabilitative programming in prisons changed in response to rapidly changing penal norms. This gap between knowledge on the changes in rhetoric and changes in practice is particularly troubling since research from many areas of the literature suggests that we should not expect to see any clear connection between criminal justice rhetoric and practices (McNeill et al. 2009; Scheingold 1984; Carroll 1998; Cohen 1985). If prisons left the business of reform and entered the business of incapacitation and deterrence, what happened to prison programs? Did prisons stop attempting to reform, normalize, or transform prisoners through education, job training, and counseling? What happened to the prison facilities, staff members, and norms of treatment after this reversal of rhetoric?

This analysis uses nationally representative data to document trends in inmate rehabilitation in U.S. state prisons, focusing on types of correctional facilities, staffing rates, and inmate participation in educational classes, vocational training, and general counseling programs. From a theoretical perspective, this work is vital for understanding the connections between the punitive turn, changes in the rhetoric of rehabilitation, and actual on-the-ground practices in correctional facilities. As Matthews (2002) notes, research on punitiveness often suffers from a conceptually weak and overly-broad definition of the punitive turn and an implicit assumption that all aspects of the criminal justice system have moved in the same direction. This work is in part an answer to that concern, and indeed the results suggest that there is no clear connection between the punitive turn in rhetoric and the provision of inmate programs. In addition, from a more policy-oriented perspective, this analysis helps us to understand the trajectory and current state of services for prison inmates. These facts are particularly important in the context of mass incarceration and the evisceration of social services in disadvantaged neighborhoods, which has left prisons as an important site "of last

resort" for social services such as remedial education, drug treatment, general counseling, and medical care (Waquant 2008).

VISIONS OF PRISONER REHABILITATION

Open any book on crime and punishment today and one of the first chapters will include a discussion of the decline of the rehabilitative ideal and the shift towards a more punitive criminal justice system. These chapters often note that between the 1950s and 1970s, the ideal model of correctional administration founded on the belief that trained experts could administer individualized assessment and treatment that would "diagnose" and "treat" the causes of criminality in the way that medical doctors were able to cure other forms of illness. This medical model of inmate services was referred to as the "rehabilitative ideal," a correctional philosophy deeply rooted in the idea that prison inmates could be reformed and returned to the free world as law-abiding citizens, and was crucial to the development of correctional professionals and most corrections departments across the U.S. throughout the 1950s and 1960s. Many in the field believed that the rehabilitative ideal would be the paradigm for corrections indefinitely and that penal reformers would be able to craft increasingly technical and sophisticated prison environments and programs (Garland 2001). However, to the shock of many observers, precisely the opposite happened; starting in the early 1970s, rehabilitation was publicly discredited, making rehabilitation "a dirty word;" corrections departments turned to drastically different rhetorical strategies to justify their existence; and the sentencing structures that undergirded the rehabilitative ideal were dismantled (Ward & Maruna 2007). Much of the scholarly work in the field since that point has attempted to grapple with how and why this shift took place. For the purposes of this article, these perspectives are important because they highlight different explanations for the near-universal assumption that prison programs for inmates were eliminated alongside the demise of the rehabilitative ideal.

One of the most direct explanations of this shift is that the rehabilitative ideal was discredited by a lack of evidence that prison treatment programs could reduce recidivism and political attacks on the determinant sentencing model. Leading up to the 1970s, there had been a string of criminological reports finding no significant treatment effects for prison rehabilitation programs. In addition, there was a growing consensus that the indeterminate mode of sentencing (whereby inmates were released by parole boards who ostensibly decided whether an inmate was "rehabilitated") was an unacceptable model, with critics on the left focusing on the racial disparities produced by the system and commentators on the right complaining about "liberal" judges and parole boards "coddling" offenders. The emergence of these two trends created a "perfect storm" moment where the political right and left, academics and professionals, all coalesced around the popular interpretation of the 1974 Martinson report conclusion that "nothing works" in rehabilitating prison inmates and the idea that prison sentences ought to be decoupled from reform. This reversal of correctional theory and the institutional logic for rehabilitative programs is believed by many to have decimated prison programming (Garland, 2001). As Rothman (2003) writes: "The distaste for rehabilitation has also contributed to making prisons human warehouses. If education and training programs are seen as futile, why should the state spend money on them?" (407). Furthermore, even if the state decided to fund seemingly futile programs, many have argued that the reorganizing of parole eliminated incentives for prisoners to participate in programming and the rationales for prison administrators to support such programs (Clear 2007).

Other scholars argue that this sudden re-alignment of interests and the widespread distrust of rehabilitation were initiated by broader social forces. The first scholar to give voice to these ideas was Francis A. Allen, whose 1981 book popularized the phrase "the decline of the

rehabilitative ideal." Allen began by positing that two cultural factors were necessary for public support of rehabilitation: "a vibrant faith in the malleability of human beings" and "a workable consensus on the goals of treatment" (12). While these two conditions were met from the birth of the American penitentiary to the 1960s, by the 1970s, support for both propositions had faded. Francis attributed this shift to wide social forces involved in the turn to the "modern sensibility" of a world radically changed by historic events—such as the Vietnam war, the bombing of Hiroshima, and the Watergate scandal—that reduced confidence in the malleability of human nature and the capacity of any government institutions to produce such changes (19). Garland (2001) makes a parallel argument that ties the decline of rehabilitation to increasing crime (and fear of crime) and a concurrent rise in the distrust of welfarist policies. In this new world, the public had increasingly less concern for (and more fear of) felons, who were presented as racialized "super-predators" unable to be reformed. In the infamous words of James Q. Wilson, "Wicked people exist. Nothing avails except to set them apart from innocent people" (1975: 235).

One consequence of the decline in support for welfare policies and trust in experts or professionals was a shift in the balance of power among the public, criminal justice professionals, and legislators (Garland 2001). Instead of experts setting criminal justice policies and professionals implementing decisions for individual cases, this new mode of governance focused on populist and racially-coded "law and order" rhetoric (Scheingold 1984; Beckett 1997; Simon 2007). This new rhetoric was matched with increased legislation around criminal justice policies (such as sentencing guidelines, mandatory minimum sentences, and repeat offender laws) that transferred decision-making power away from administrators, judges, and parole boards and towards legislators and voters (Zimring et al. 2003; Pratt 2007). With politicians in greater control of correctional policy and increasingly worried about appearing "soft on crime," it became harder to continue funding prison programs (Jacobson 2005).

However, despite the many reasons to believe that prison programs were radically altered in the 1970s and afterwards, there are also reasons to believe that the practice of rehabilitation may have remained more stable than has been widely assumed. The first of these arguments is there is not necessarily any direct correspondence between penal rhetoric and actual practices; in criminal justice studies, as in other areas of law and society research, scholars have shown that political dramas or official statements do not always translate into practices because the forces driving rhetoric may be entirely different from those driving practices (McNeill et al. 2009; Scheingold 1984; Carroll 1998; Lynch 2000). Some scholars have argued that penal practices have always "braided" punishment and rehabilitation into the mission and operating practices of the criminal justice system and that what changes with the political winds are the public justifications for correctional practices (Hutchinson 2006; Robinson 2008). McNeill and colleagues (2009) refer to the disconnect between rhetoric and practices as the "governmentality gap" and argue that large-scale policy discourses change more readily than front-line discourses and practices, which are embedded in the historically-contingent habitus of government workers.

Indeed, there is evidence to suggest that changes in practices may have been stifled by corrections professionals who continued to support prison programs, both as a rehabilitative tool and as an organizing principle for good inmate management (Feeley & Rubin 1998; Cheliotis 2006). Cullen and colleagues (1993) used a survey of prison wardens to show that although most wardens identified with a control-oriented approach to managing prisons, they remained pro-treatment: on average, prison wardens in the sample rated rehabilitation as the second most important function of prisons (with incapacitation being the most important). Wardens in the sample also largely favored expanding educational and vocational programs and psychological counseling programs. This is consistent with other

research that suggests that political actors closer to the administration of criminal justice agencies are less likely to endorse the most extreme law and order rhetoric voiced by national figures (Scheingold 1991).

In addition, there may not have been much programming initially in the 1970s. Although the 1950s and 1960s was a time of great penal innovation in some states, practical knowledge about effective programming and the scale of implementation may have been quite limited (Cohen 1985; Carroll 1998; Rothman 2003; Miller 1996; Blomberg & Lucken 2000). To the extent that programming was available in the 1970s, some scholars argue that bureaucratic inertia would have led to the continuation of programming well into the punitive era. Garland (2001) notes that new penal logics are interwoven with "the distinctive technologies, powers and knowledges" developed in the rehabilitative era, such that "if we inhabit a 'post-rehabilitative' era, as the conventional wisdom assumes, it is not because the structures for assessing individuals and delivering rehabilitation have been dismantled and removed" (170). There are also factors entirely separate from penal theory, political rhetoric, and program implementation that may have affected the trajectories of in-prison programming. Perhaps most importantly, the involvement of federal courts in prisoners' rights litigation may have had a significant role in shaping penal practices. Feeley and Rubin (1998) show that there was a tremendous rise in prisoner's rights litigation starting in the mid-1960s and that a leading goal of this litigation was to promote rehabilitative services in prisons. Rather than basing this goal on evidence of rehabilitation's promise, or on the hopes of finding better methods, Feeley and Rubin argue that such reforms were intended to "create a prison that judges regarded as morally acceptable" (265). Most scholars now agree that such litigation, particularly for prisons in the South, improved the conditions of confinement and reduced the overcrowding that can be detrimental to prison order and inmate programs (DiIulio 1990; Jacobs 2003). This perspective suggests that to the extent that individual facilities and state systems were influenced by litigation, services for prisoners may have been bolstered after the decline of the rehabilitative ideal.

Finally, while much of the punishment literature in recent years has focused on the return of chain gangs, tough policies for youth, removing televisions from prison cells, and similarly punitive measures, there has also been a resurgence of support in recent years for rehabilitative programs, particularly for felons returning to their communities after imprisonment and individuals convicted of non-violent drug crimes, and alternatives to the traditional court and prison systems, including drug courts and alternative to incarceration programs (Berman et al. 2005). This suggests that while certain aspects of the criminal justice system (particularly the number of people incarcerated) have become more punitive, other aspects may not have followed the same trajectory. According to Cullen (2005), rehabilitation has been "saved," while Simon (2008) more cautiously notes that it is "back on the table," particularly in the context of reentry services (10). Lynch (2008) argues that there have increasingly been signs of a return to a more nuanced and compassionate perspective on crime in the media and wider public and Jacobson (2005) and Steen and Bandy (2007) show that some states are using recent budget crises as an opportunity to downsize their correctional populations and increase program opportunities. These perspectives suggest that prison programs, particularly those related to reentry services, may have actually become more politically palatable in recent years and that we may see contemporary increases in prison programming.

DEFINITIONS OF REHABILITATION & PREVIOUS EMPIRICAL WORK

Despite the centrality of inmate programming to the fate of prison rehabilitation, very few empirical studies have attempted to document trends in inmate services over time. In large part, this omission is due to the fact that research efforts have been focused elsewhere, for

example, on the framing of inmate programs by prison administrators and the relationships between staff and inmates. Analyzing prisoner orientation handbooks from the Bureau of Prisons, Bosworth (2007) finds a dramatic shift in the framing of rehabilitation between the 1960s and today. Whereas in the earlier period, the institution explicitly emphasized its own responsibility to provide a healthy and productive setting for individuals' development, in 2001, responsibility was placed solely on the inmate to behave well and seek out opportunities for self-development. Kruttschnitt and Gartner (2005) similarly find that the front-line staff in a California prison for women shifted their understanding of the roles of staff vis-à-vis inmates: staff members in the1960s saw themselves as active role models and counselors in the rehabilitative process, whereas by the 1990s, staff members articulated a neo-liberal personal responsibility framework where inmates were responsible for their own reform and staff were responsible for maintaining order and security.

However, these frames do not necessarily correspond to actual patterns of rehabilitative programming. Focusing on Rhode Island's correctional facilities, Carroll (1998) shows that prison program options were higher in the 1990s, when there was no explicit rehabilitative focus, than in the 1950s, when rehabilitation was the mission of the department of corrections. Jacobs (1977) argues that the administration at Stateville Prison in Illinois most explicitly dedicated to the rehabilitation model was unable to maintain a basic level of order or provide inmates with professional programming options. Analyzing variation across three state corrections systems, DiIulio (1987) argues that prison administrators who use a control-oriented model of prison management—rather than a more inmate-oriented or "responsibility" perspective—are able to provide the highest level of inmate services because they provide the order and organization necessary for inmate programming.

Only two studies have attempted to quantitatively assess trends in prison programming at the national level for the entire post 1970s period; both of these studies focused exclusively on educational programs and came to somewhat different conclusions. Western (2006) analyzed staffing data from 1979 and 2000 and found a large increase in the ratio of inmates to educational staff, suggesting a decline in the emphasis on educational programming in the context of rising prison populations. Useem and Piehl (2008) used inmate level survey data to document the percentage of inmates who reported participation in educational programs between 1974 and 2000. They find that participation in academic programs actually increased between 1974 and the late 1980s, but declined after 1991. They also estimate that participation in vocational programs increased between 1974 and 1979, remained approximately equal in 1979, 1991, and 1997, and declined slightly by 2004. However, as detailed in the results section below, these results underestimate the amount of programming in the earlier period (because they compare essentially different questions) and therefore artificially induce the early upward pattern of program participation. In addition, both studies fail to consider other types of inmate programming. This article brings together these two sources of data—staffing and program participation—and more thoroughly documents trends over time in educational programs, as well as an array of other programs, revealing a richer and more complicated story.

The prior literature focused on education and vocational training programs, in large part because these are thought of as the proto-typical prison rehabilitative programs. However, if we look back to the historical and contemporary record, it is clear that there have been a wide variety of inmate programs declared as under the banner of rehabilitation. The first prisons in the U.S. were modeled off of a range of "rehabilitative" regimes, ranging from isolation and silent reflection to hard labor and physical discipline (Morris & Rothman 1995). As prisons began to proliferate in the U.S., prison administrators increasingly argued that prison labor was the pathway to both inmate reformation and prison discipline. With the decline of prison labor and the birth of the progressive era, prison officials began instead to

talk about rehabilitation as the process of transforming inmates into (white and male) ideal citizens who were able to govern themselves (McLennan 2008). It was in this era that one preeminent prison sociologist argued that rather than focusing on work or re-socialization generally, the best pathway of rehabilitation was to teach inmates how to productively use their social and leisure time (Clemmer 1940). Following the emergence of psychology as a professional field after the progressive era, inmate programs became increasingly focused on targeted clinical interventions. In 1974, the Martinson report, which focused on the programs favored by corrections experts at the time, was concerned with education classes, vocational training, and counseling programs, as we would expect, but also rehabilitative institutional environments and pharmacological and surgical options for the "treatment" of criminality (Martinson 1974).

This article utilizes Lynch's definition of rehabilitation as "any discourse or practices that speak to transforming or normalizing the criminal into a socially defined non-deviant citizen, including psychological programs, drug treatment programs, educational and work training programs, work and housing placement assistance, and half-way houses" (2000: 45). The analysis focuses on facility designations (e.g. whether the facility is general confinement or oriented towards specific services); inmate to staff ratios; and participation in academic and vocational education classes as well as individual counseling and group programs focused on parenting, substance abuse, life skills, and pre-release planning.[1] These outcome measures were chosen to highlight rehabilitation-related practices, rather than focusing on rehabilitative orientation or the (more difficult to measure) informal prison characteristics that make any facility a more or less positive environment, such as inmate-staff and inmate-inmate relations, prison architecture and cleanliness, and other conditions of confinement. This definition of rehabilitation is unique because it focuses on empirical outcomes, encompasses an array of inmate services, and is more multidimensional than any of the preceding empirical work.

Considering these indices in tandem is not meant to suggest that all of these programs and investments in service facilities and inmate services-related staff are equally "rehabilitative"; indeed, they represent different articulations of correctional goals with varied political meanings. In addition, this analysis is not meant to suggest that the other frames for examining rehabilitation are invalid. Rather, it is meant as a complement to previous work by focusing on several critical and understudied aspects of rehabilitation in practice.

DATA SOURCES

This article focuses on correctional facilities administered by (or for) state governments. Data are drawn from the *Census of State and Federal Adult Correctional Facilities* (hereafter *Census of Correctional Facilities*) and the *Survey of Inmates in State and Federal Prisons* (hereafter *Survey of Inmates*). The 1990 *Census of Correctional Facilities* and 1991 *Survey of Inmates* were the first to include facilities under the control of private prison administrators and the Federal Bureau of Prisons. Private facilities administered for state government are included in the analysis (and since there were very few private facilities between 1974 and 1990, their exclusion in the prior surveys should not create significant biases). Because the Bureau of Prison facilities entered the sample late, have generally

[1]These specific programs were chosen because they represent the largest programs operating inside prisons and because they most closely align with notions of rehabilitation since the 1970s. Inmate labor programs were excluded from this analysis due to a limited number of indicators in the data sources and because they do not represent inmate services in the same way as do educational classes, vocational training, and counseling programs. Undoubtedly, some prison jobs provide a meaningful platform for skill acquisition, but these nuances are not distinguishable in the data. Medical services for inmates would have been included if the data sources contained better or more consistent measures across survey waves.

followed a different historical trajectory than state prisons, and house only a minority of inmates, they are not included in this analysis.[2]

The *Census of Correctional Facilities* data are collected from a questionnaire that is mailed to all U.S. correctional facilities—including general confinement prisons, boot camps, community centers, reception facilities, forestry camps, and youthful offender faculties[3]—and completed by prison administrators. Data were collected in 1974, 1979, 1984, 1990, 1995, 2000, and 2005. The *Census of Correctional Facilities* is a complete population enumeration and has a 100% response rate, except for the 2005 data, for which all state prisons in Illinois were unresponsive. In addition, state-administered prisons in California did not report staff information in 2005.

The *Survey of Inmates* data series provides information from extensive in-person interviews by U.S. Census Bureau staff with a stratified random sample of adult prison inmates weighted to be nationally representative. The survey uses two stages of randomization, first selecting prisons from a sample frame generated by the *Census of Correctional Facilities* and supplemented with information on newly opened facilities, and then selecting inmates within those facilities. Data were collected in 1974, 1979, 1986, 1991, 1997, and 2004. The sample size and interview response rates for state inmates are as follows: 1974 (9,040; 90.4%), 1979 (11,397; not available), 1986 (13,711; 93.6%), 1991 (13,986; 93.2%), 1997 (14,275; 92.8%), and 2004 (14,499; 89.1%).

Since the two data sources are based on administrators' and inmates' self-reports, respectively, there is some danger of reporting bias. However, there is no clear reason why these biases would change systematically over time. In addition, to the extent that facility and individual-level data suffer from different types of biases, the correspondence between the two serves as a check on validity. The second limitation of the data is that they do not allow analysts to gauge program length or quality (beyond staff investments).[4] Nevertheless, as the only nationally-representative data of its kind, these surveys provide a wealth of information about trends in staffing investments and participation in inmate programs.

DATA ANALYSIS

The following analysis examines the degree to which corrections departments have become more or less oriented towards inmate rehabilitation from three different perspectives: the presence of specialized treatment facilities, the commitment to inmate services staff, and actual rates of inmate participation in prison programming. Together, these measures provide a multifaceted view of rehabilitation and provide systematic measures of changes over time. For all of these analyses, the focus of this paper is on aggregate statistics at the national level. At the end of the paper, I briefly discuss the impact of individual inmate characteristics and regional trends.[5]

For both theoretical and empirical reasons, the data analysis is divided into four sections. The first and second are an analysis of facility-level data for the period of 1974 to 2005, looking first at facility designations (e.g. whether the facility is for general confinement,

[2]Despite rapid growth in federal correctional populations, federal inmates are still a minority of the total U.S. incarcerated population. According to data from the 2005 *Census of Correctional Facilities*, federal inmates now comprise approximately 10% of the inmate population nationally. For the participation rates in educational programs since 1991 in federal facilities, see Useem and Piehl (2008).

[3]These facilities are not juvenile detention facilities. Rather, they are special facilities in the adult confinement system for younger adults (generally under age 25) and juveniles sentenced as adults.

[4]Evidence suggests that programs do show significant variation on these dimensions across facilities. See Lin 2000.

[5]While outside of the scope of this paper, it is also possible to analyze differences across facility types. However, for all of the included measures, there are only small differences in the trends across security levels, facility designation (e.g. general confinement or other), and private verses state administration.

substance abuse treatment, etc.) and then average inmate-to-staff ratios. The third—and perhaps most important—section focuses on the essential question of what happened to prison program participation rates after the 1970s and the decline of the rehabilitative ideal. The last section looks at rates of prison programming since 1990 to comment on contemporary changes in prison program participation rates.

State Correctional Facilities, 1974–2005

Throughout the last 30 years, correctional facilities for adults have encompassed a variety of different types of facilities, including reception centers, hospitals, and community corrections facilities in addition to general confinement prisons. If corrections departments have become less oriented towards providing inmate services and more oriented towards warehousing prisoners, policy-makers and administrators may have become increasingly focused on building and maintaining general confinement facilities.

The data show substantial continuity in the types of facilities operated by (and for) state corrections departments. If we group the facilities into categories according to their primary designation, we can compare the breakdown of facilities in 1974, 1979, 1995, 2000, and 2005.[6] In all periods where data are available, general adult confinement facilities have comprised roughly 60% of all state facilities throughout the period of 1974 to 2005. The second most common facility types are community corrections (i.e. pre and work release facilities), which comprise approximately 20–25% of all facilities. Reception or classification facilities combined with hospital and psychiatric facilities comprise approximately 5% of facilities. Throughout this period, the “other” facilities included facilities for youthful inmates (e.g. minors charged as adults and inmates aged 18–25 years) and alcohol and drug treatment centers. In later years, categories were added for boot camp facilities, returning prisoners, and geriatric facilities. However, only approximately 1% of facilities identified with each of these newer categories by 2005.

Since general confinement facilities tend to be larger than other facilities, it is also useful to compare the percent of prisoners in each type of facility. As demonstrated in Figure 1, in all time periods with available data, roughly 85% of inmates resided in general confinement facilities, 3–5% were housed in community corrections or pre- and work-release facilities, and just over 5% were located in reception, classification, medical, and psychiatric facilities.

The results suggest that state prison systems have continued to house the majority of inmates in general confinement facilities, but have also invested in specialized facilities that evoke the rehabilitative ideal and a concern with inmate services and treatment. In addition, throughout this period, there have been a significant number of facilities devoted to community corrections and a fairly stable percentage of inmates residing in such facilities. Although only a minority of inmates are housed in such facilities at any given time, a higher percent of inmates are likely able to reside at such facilities at some point near their release date.

Staffing Patterns, 1974–2005

The next point of evidence on states’ commitment to rehabilitation is the size and distribution of their labor forces. Each *Census of Correctional Facilities* asks facilities to provide the number of staff assigned to different functions. These staff include full-time and part-time payroll staff, non-payroll staff (e.g. those paid by other government institutions or

[6]Unfortunately, a comparable question does not exist in the 1984 and 1990 *Census of Correctional Facilities*. In the 1979 *Census of Correctional Facilities*, community corrections and reception, diagnostic, medical, and psychiatric facilities can be identified, but facilities devoted primarily to general confinement cannot be uniquely identified.

unpaid interns), and contract staff.[7] The staffing totals do not include community volunteers. It is possible from the data to analyze the number of staff devoted to custodial (i.e. supervision and security) purposes compared to the number of educational staff (which includes both academic teachers and vocational training instructors) and the number of other professional staff, including counselors, psychologists, nurses, doctors, dentists, chaplains, and librarians. If prisons became more punitive after 1970, we would expect to see an increased emphasis on security that would reduce the average inmate to staff ratio for security staff and an increase in the average ratio for staff allocated to inmate services.

As illustrated in Figure 2, the results show that the average inmate to staff ratio for all staff members barely changed in the last 30 years, averaging approximately 3 inmates per staff between 1974 and 2005. The data are slightly U-shaped, with the inmate to staff ratio falling from 3.0 in 1974 to 2.8 in 1979, 2.7 in 1984 and 1990, and rising to 2.9 in 1995, 3.0 in 2000 and 3.2 in 2005. The average inmate to staff ratio for educational and professional staff combined also shows a U-shape, declining from 22.7 in 1974 to a low of 16.8 in 1990 and rising to 23.1 by 2005. The ratio of inmates to security staff exhibits a relatively flatter trend, beginnning at 4.9 inmates per correctional officer, reaching a low of 4.1 in 1990, and ending at 4.7 inmates per correctional officer in 2005.

However, when we disagregate educational staff from other professional staff, the trends are very different, as shown in Figure 3.[8] The ratio for professional staff members (excluding teachers) fell from 40 in 1974 to 22 by 1990 and crept up to 29 by 2005. By contrast, the inmate to staff ratio for educational and vocational instructors increased from 53in 1974 to 67 in 1990 and then jumped to 112 by 2005.[9]

These results suggest that corrections facilities and departments were unwilling or unable to increase the number of educational staff for academic and vocational training programs in tandem with the rise in the number of inmates. Note that it is not the case that corrections departments were unable to hire staff in general, but rather, when the number of inmates increased, some types of staff, particularly correctional officers, were rapidly hired, while educational professionals (and to a much lesser extent, other inmate-services related staff) were not.

Program Participation in the Post-Rehabilitative Era, 1979–1990

In 1979, 1984, and 1990, the *Census of Correctional Facilities* questionnaires asked administrators to report how many inmates were currently participating in various programs. The key questions are consistent across the 1979, 1984, and 1990 surveys and tell us both how many inmates were in each type of program and what percent of the total population was participating at the time of the survey.[10]

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[7]In the 1974, 1979, 1984, and 1990 *Census of Facilitie* surveys, full-time and part-time staff were uniquely identified for each staff category. In the data with this information, the trends for inmate to staff ratios are substantively similar for full-time staff as they are for all staff. For all survey years, facilities that did not report any staff information or reported zero total staff members were excluded from the analysis.

[8]In 1979 and 1984, teachers were combined with “treatment” staff, so it is impossible to track the independent changes in educational and vocational training staff for this period.

[9]These staffing figures use the information in the processed data file, which substitutes the 2000 data for Illinois (since all information is otherwise missing) and leaves the 2005 California staffing data missing. If the 2000 staffing data for California are included to substitute for the missing data, the 2005 staff to inmate ratios become: 3.3 for all staff, 4.8 for corrections officers, 23.4 for all educational and professional staff, 29.8 for professional staff, and 108.1 for educational staff.

[10]However, in the 1984 and 1990 questionnaires asked about program enrollment in June (rather than November) and administrators were told: “If this date is not representative of enrollment throughout the year, estimate the average enrollment.” Since program participation both increases and decreases between 1979 and 1984 depending on the program, this change does not appear to be a large source of bias.

As shown in Figure 4, the absolute number of participating inmates increased for all of the selected programs, including psychological counseling, social adjustment classes, alcohol and drug treatment programs, academic, and vocational training. In detail, between 1979 and 1990, the number of inmates participating in psychological counseling increased from 34,980 to 72,470 and the number participating in social adjustment increased from 15,640 to 27,815. The number participating in substance abuse treatment increased from 35,430 to 78,430. For academic programs (including adult basic education, GED, special education, and college courses), the numbers increased from 69,330 to 137,300 and the number in vocational training increased from 25,515 to 55,890.

Although the number of inmates participating in programs can give us some sense of the scale of programming, to understand how this affects daily life within prisons, the data must also be viewed in terms of the percent of inmates participating in programs. During this period between 1979 and 1990, the number of incarcerated persons more than doubled. As detailed in Figure 5, the increase in the size of these programs was not quite enough to compensate for the growth in inmates and there were some small declines in the percent of inmates participating in psychological and social adjustment counseling, alcohol and drug treatment, academic programs, and vocational training. It is important to note, however, that these declines were small (always within five percentage points) and not monotonic for all programs; the number and percent of inmates participating in psychological and social adjustment counseling increased between 1979 and 1984. Further, some programs, especially vocational training and alcohol and drug treatment, were more able to expand program size with the rise in inmates than were others. Academic programs seem to have experienced the largest of these small declines in the percent participating, falling 4 percentage points between 1979 and 1990.

In detail, participation in psychological counseling increased from 13% of inmates in 1979 to 14% in 1984 and declined to 11% in 1990. Social adjustment participation increased from 6% in 1979 to 9% in 1984 and declined to 4% by 1990.[11] Roughly 13% of inmates in 1979 and 12% of inmates in 1990 were reported to be participating in alcohol or drug treatment. Participation in academic programs declined from 25% in 1979 to 23% in 1984 and 21% in 1990.[12] This decline was mostly from a decline in adult basic education (ABE) classes. Vocational training participation was more stable, with participation at 9% in 1979 and 8% in 1984 and 1990.

Rather than showing a sharp decline in all programs for prison inmates after the mid-1970s, the results suggest that prison administrators were amassing great resources in the 1980s to try to increase program capacity in line with the increases in the number of inmates. Although some programs were able to expand rapidly, others, particularly the largest program—academic classes—was not able to maintain a stable participation rate, despite more than doubling the program size. This is strong evidence that the sharp change in corrections rhetoric and law and order politics in the 1980s were not matched by a dramatic change in inmate programs. As a robustness and validity check, it would be useful to bolster these findings with corroborating evidence from inmate surveys about the changing prevalence of prison programming. However, programming information from the earlier inmate surveys is limited due to the changing nature of the survey questions about prison programs. In particular, in the 1974 and 1979 interviews, the academic education data was recorded only if the inmate was currently attending classes or had completed an educational

[11]No detail was given to indicate what type of programs fit this label.

[12]Since the survey is completed by the entire existing universe of facilities, a significance test does not need to be conducted to assess whether the differences in the sample likely represent true differences in the population. However, if we want to think of the data as one potential sample in a universe of samples and conduct a significance test based on the number of facilities, this difference is statistically significant.

grade, thus excluding inmates who participated in programming while in prison, but were not currently enrolled and did not complete a grade. The question also assumes that prison education programs are linked to the grade system. In 1974, the interviewers separately asked about current or completed "remedial education" classes. When responses to the remedial education question are merged with information from the other academic education participation question, the percent of inmates reporting past or current participation in academic programs jumps from 27% to 36%. However, this number is probably still too low since it misses those who participated in a non-remedial academic program without completing a class. There are also limitations with the vocational training program questions. In 1974, vocational education participation data was only recorded if the inmate was currently enrolled or had completed a program. In 1986, the interviewer only asked about vocational classes if the inmate first reported attending school. In contrast, starting in 1991, the survey questions ask about any participation since admission and query inmates about academic education and vocational training programs independently. These inconsistencies in the earlier survey questions strongly suggest that Useem and Piehl (2008) found an upward trend in the percent of inmates reporting participation in academic and vocational training programs between 1974 and 1991 simply because of the change in questions rather than a change in practices.

The limited data that are comparable across survey years support the analysis presented above. The percent of inmates reporting that they were participating in vocational program (at the time of the survey) remained fairly stable between 1979 and 1991, moving from 12% in 1974 to 9% in 1979 and back to 11% by 1991, confirming the relative stability of vocational training participation seen in the facility-level data. For academic programs, the reliable data show that 45% of inmates in 1986 and 43% in 1991 reported participation since admission (rather than just at the time of the survey), which supports the small drop seen in academic program participation between 1984 and 1990.[13] Finally, data on psychological counseling programs also show little change, with 16% of inmates reporting having received psychological counseling since admission in 1979 and 17% inmates in 1991 reported receiving counseling outside of drug treatment.

Program Participation in the Punitive Era, 1990–2005

The results presented in the last section suggested that prison administrators rapidly expanded program capacities to accommodate increasing inmate populations and were fairly successful at maintaining a stable rate of program participation. This section now looks at whether these trends continued into the 1990s and 2000s.

After 1990, the only facility-level program data available are administrators' reports of whether certain programs exist at each facility. As detailed in Table 1, the results show fluctuating patterns, with some small increases and decreases. It is unclear how to interpret these trends, however, since program constriction could indicate reduced program availability or an attempt to cluster programs in certain facilities within states. In addition, these numbers are potentially an over-count, since administrators may report old programs that no longer have participants or for other reasons exist in name only. However, even with these caveats, it is clear that by 2005, the vast majority of facilities reported the presence of academic programs and most facilities also reported a number of specialized group

[13]This small decline may be connected to a change in the survey questions. In 1986, inmates were asked if they had participated in any "academic" programs. In 1991, inmates were asked if they had participated in "educational" programs, excluding vocational training, and were then asked specifically about types of classes. The overall percentage participating in "academic" programs was created by summing the number of unique participants in adult basic education, GED, and college courses. The 3% of inmates reporting participation in "other" educational programs were not included. Useem and Piehl (2008) likely included the "other" category in their measurement of "academic" programs since they find that the percent of inmates reporting participation in academic classes in 1991 is 46%.

counseling programs, particularly life skills and community adjustment classes. This suggests that if programs have declined since 1995, it is not due to dramatic changes in the presence of programs in facilities. Rather, changes in participation rates are more likely tied to small program capacity sizes. In addition, the high prevalence of programs for special populations, such as inmates with HIV/AIDS and those convicted of sex crimes suggests that there are also a number of specialized programs for targeted groups of offenders that are not captured in the program participation data.

Fortunately, there are consistent and comprehensive program participation data from the post-1990 inmate surveys, which ask a series of questions about participation in various programs since admission to prison.[14] The programs include academic classes, vocational training, substance abuse treatment, and individual and group counseling programs.

As detailed in Figure 6, consistent with the rapid increase in the average inmate to staff ratio for educational staff after 1990, the inmate-level program participation results show a large and statistically significant decline for academic programs, falling from 43% of inmates reporting participation since admission in 1991 to 27% of inmates in 2004.[15] The decline in academic programs between 1991 and 2004 affected every level of education, with reported past or present participation in adult basic education falling from 5% to 2%, GED classes declining from 27% to 19%, and college courses from 14% to 7% between 1991 and 2004.[16] Given the elimination in Pell Grants to fund inmates' higher education (Page 2004), it is not surprising that participation in college programs fell dramatically. However, this decline also affected adult basic education and GED classes and began before the elimination of Pell Grants. Participation in vocational programs since admissions also declined slightly at the end of the time period, falling from 31% in 1991 and 1997 to 27% in 2004. The percent of inmates reporting participation in vocational training at the time of the survey (rather than since admission) also experienced a very slight decline, dropping from 11% in 1991 to 9% in 2004.

In contrast, most non-educational programs do not show signs of decline after 1991 and some have significantly expanded. Most importantly, past or current participation in reentry related programs (including life skills, community readjustment training programs, and other pre-release programs such as finance planning, job application training, and anger management)[17] significantly increased from 15% of inmates in 1991 to 20 percent in 1997 and 25% in 2004.[18] In addition, the percent of inmates reporting having received counseling outside of drug treatment increased from 17% of inmates in 1991 to 22% in 1997 (data are not comparable for 2004) and the percent of inmates reporting participation in parenting programs increased from 3% in 1991 to 8% in 2004.

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[14]In some of the later years, the interviewers are prompted to ask "Since admission on date --" rather than simply asking "since admission." In 1991, inmates were asked about program participation since the "controlling admission" date. This date will differ from the "most recent" admission date for parole (or probation) violators and escapees whose initial sentence was longer than the new sentence for the violation or escape. Only 7% of inmates fall into this category so it is unlikely that this inconsistency creates large biases.

[15]The difference between 1991 to 1997, 1997 to 2004, and 1991 to 2004 are all statistically significant at the .01 level. Standard errors were corrected for facility-level clustering.

[16]In addition, participation in "other" education programs increased from 3% in 1991 to 5% in 2004 and 1% of inmates in both reported participation in English as a Second Language (ESL) programs in 1997 and 2004. This is likely an undercount of ESL participants since the survey was not conducted in Spanish.

[17]This reentry related category is a composite I created to control for a subtle change in the survey questions. In 1991 and 1997, inmates were asked if they had participated in "pre-release programs" or "classes in life skills (including household finance, how to find a job, etc.)." In 2004, the questions referred to "classes in life skills and community adjustment (including anger management, conflict resolution, personal finance, etc.)" and "other pre-release programs."

[18]The difference between 1991 to 1997, 1997 to 2004, and 1991 to 2004 are all statistically significant at the .01 level. Standard errors were corrected for facility-level clustering.

Participation rates in professional alcohol or drug treatment remained between 10 and 11% in 1997 and 2004 (and comparable data are not available for 1991). In addition, participation in both drug and alcohol self-help and peer support groups (such as NA and AA) remained at approximately 17% in 1997 and 2004.

These results suggest that there has been a recent shift in prison programs—not towards the elimination of all programs—but rather, a move from academic programs to reentry related programs. As with the earlier period, these trends have been taking place in the context of rapidly increasing inmate populations, which makes increases in program participation rates all the more notable. These trends suggest that to whatever extent "rehabilitation is back on the table," it is on the table in a new format increasingly focused on targeted, practical interventions, such as how to find a job, manage budgets, control anger, or parent children, rather than general education programs.

DISCUSSION OF RESULTS & ALTERNATIVE EXPLANATIONS

These findings demonstrate that the shifts in penal logic witnessed in the 1970s did not lead to transformative declines in inmate programs in the 1980s. Despite rapid increases in imprisonment, U.S. prisons did not *become* "warehouses" devoid of any opportunities for rehabilitation. It is also not true that the last decade (or half-decade) has ushered in a return to rehabilitation, unless rehabilitation is narrowly defined as reentry related programs. Instead, throughout the entire period under study in this paper, programming rates have been quite modest and in most cases, fairly consistent across time. In addition, state corrections departments have continued to build and support community corrections facilities, drug and alcohol treatment, and facilities for sick, elderly, and mentally ill inmates and have increased the number of overall staff and professional staff to meet the increase in incarceration. However, this pattern does not hold for educational staff, whose inmate to staff ratios have increased dramatically, particularly after 1990, leading to steep declines in academic program participation.

One potential problem with these figures is that the survey asks about program participation since admission and between 1974 and 2004, the mean length of time between inmates' admission dates and the survey interview increases from 34 to 45 months. This means that inmates interviewed in each successive survey have had more exposure time for programming. In addition, because a large percent of inmates are incarcerated for less than one year and participation among this group is very low, small fluctuations in the size of this population may have a large influence on the overall participation rate. Lastly, since a small percent of inmates serve more than five years in prison, program participation rates at any period are also potentially affected by programming rates in the previous period. However, analyses that break down inmate participation rates by time served show that the results are the same regardless of the length of incarceration, e.g. the results are substantively similar if all the analyses are limited to inmates incarcerated less than one year, one to three years, or greater than three years. The only exception is that the declines in vocational training between 1991 and 2004 did not affect inmates incarcerated more than five years and so the downward trend line is steeper (and starts slightly earlier) if those inmates are excluded.[19]

Another potential concern is that changes in the inmate population have produced these trends. However, even in the case of the most significant trend—the decline in academic programs and the increase in reentry related programs—changes in programming are consistent even after controlling for inmate characteristics such as age, gender, race, high

[19]Participation rates in vocational training fell from 23% in 1991 to 15% in 2004 for inmates incarcerated less than one year, from 40 to 34% for inmates incarcerated one to three years, and from 50 to 41% for inmates incarcerated three to five years.

school diploma, and time incarcerated. For instance, in a logistic regression model with these controls, the participation rate of the default category (white men, aged 25 to 35 years, incarcerated for 1 to 3 years) declined from 64% in 1991 to 36% in 2004 for academic programs and increased from 17% in 1991 to 31% in 2004 for reentry related programs (see Appendix A). In addition, the relationship between demographic characteristics and program participation remained substantively similar in 1991, 1997, and 2004, suggesting that the changes in programming had consistent effects across different groups. The results also show the same trends if the analysis is limited to inmates who are within one year of a determined release date.

It may also be that state or regional systems follow their own unique trajectories (Lynch 2010), such that national statistics are simply an amalgamation of opposing trends. The preceding analyses have all focused on national trends, in part because many of the previous descriptions of the fall of rehabilitation have focused on changes at the national level. However, even when disaggregated by region, the trends tend to be broadly consistent with the national pattern even though the regions have different absolute levels of inmate-to-staff ratios and programming rates. For example, between 1990 and 2005, the inmate to staff ratio for teachers increased in every region, ranging from 46 inmates per staff member in 1979 to 62 in 2005 in the Northeast, 88 to 98 in the Midwest, 73 to 108 in the West, and 83 to 151 in the South. All four regions also show substantial declines in academic program participation and increases in reentry related services in all four regions between 1991 and 2004. The main exception to this consistency is that the trend line for the overall staff to inmate ratio, which nationally shows a slight U-shaped curve between 1974 and 2004, is in large part driven by the South, which in turn is primarily driven by extreme trends in Texas. In the other regions, there were slight increases in the overall staff to inmate ratio during this period. In addition, the small decline in academic program participation rates between 1979 and 1990 nationally was driven by a large decline in the West (the region with the fastest growing inmate population), smaller declines in the South and Midwest, and a small increase in the Northeast.

Two limitations of the data are worth noting. First, the data are limited in terms of the time range available: the facility type and staffing data are available starting in 1974 and program participation data begin in 1979. Given that the shifts in rhetoric began in the late 1960s and early 1970s, it would have bolstered this analysis to have data from the 1960s as the initial comparison point. However, the picture presented by the results is that change was slow in the decade immediately following the decline of the rehabilitation and that it was driven more by the number of inmates imprisoned rather than sharp changes in correctional administration. Second, the program participation questions are fairly crude and they do not provide information on program length, intensity, or quality, which might all have changed over time. This limitation of the program data is one reason why it is important to also consider changes in staffing ratios, since these figures can corroborate the program participation data and reveal some evidence as to program length or intensity. For example, if the data suggested a dramatic increase in staffing ratios concurrent with no change in programming participation rates, we would assume that there had been a decline in program intensity (e.g. larger class sizes or shorter classes) and/or length (e.g. smaller periods of involvement). As discussed above, however, at least for academic programs, the staffing data are quite consistent with the program participation data, suggesting no major changes at the aggregate level for program intensity or length.

Finally, it is important to consider that these results may reflect changes in both state and institutional priorities and inmates' willingness and desire to participate in programs. While inmates' preferences likely play some role in prison programming, I argue that it is ultimately policy-makers and administrators who determine aggregate programming levels,

since they determine whether a program is given the necessary resources (e.g. teachers and class space), set the eligibility criteria, and structure the reward incentives, all of which are vital to a program's operation. Despite the decline in indeterminate sentencing, there are still a number of "carrots" that administrators can leverage to encourage participation. In particular, the practice of placing recently released inmates on parole is still widespread and corrections departments often condition early release to parole (or early release through "good time" credits) on the completion of required programming. In addition, prison administrators can offer smaller incentives, such as transfer to better living areas or facilities or greater institutional privileges, if inmates' participation in programming is important to the institution. Although the data examined for this article do not provide evidence on inmates' willingness or interest in participating in various types of programs, there is some research to suggest that a majority of inmates would like to participate in prison programs (Petersilia 2003). This should not be surprising given the level of service needs in the prison population and the lack of other meaningful alternatives. For example, 26% in 1974 and 33% in 2004 had a high school degree at the time of the arrest, 31% in 1974 and 28% in 2004 were unemployed at the time of the arrest, and 60% in 1974 and 52% in 2004 were under the influence of alcohol or drugs at the time of their arrest. In addition, the fact that these trends remain even after controlling for changes in the inmate population and looking across different regions suggests that there are strong national trends that are not solely a product of changing inmate preferences.

CONCLUDING THOUGHTS

The goal of this article was to identify whether prison rehabilitation in practice changed alongside the dramatic shifts in rehabilitation rhetoric. The results, in sum, show that for the decade following the decline of the rehabilitative ideal, very little changed inside of prisons in terms of rehabilitative programming in spite of large increases in the incarcerated population. Only after 1990, fully a decade and a half after the infamous Martinson report, did programming rates show substantial change and even in this instance, the data suggest that this was more of a shift from academic programs to reentry related general counseling programs rather than a uniform decline. In this last section, I sketch out a few tentative suggestions as to why these changes occurred and what we might conclude from them.

The most direct answer is that there is no direct correspondence between political rhetoric and what goes on beyond prison walls. The determinants of prison programming may be very different from the levers influencing politics and corrections departments' public statements. Most notably, prison policies may be affected by a number of organizational factors that may or may not be in alignment with changes in the national mood, including funding streams, availability and power of staff members, and institutional knowledge about effective programs. This is consistent with facility and state-level case studies, which find that administrators' explicit commitment to inmate rehabilitation often has little to do with the level of services actually provided (Carroll 1998; Jacobs 1977; DiIulio 1987). In addition, it may be that the rehabilitation verses law and order rhetoric affects only the most visible penal outcomes, e.g. the imprisonment rate, and that the more concealed outcomes are left to corrections professionals. This finding suggests that we should be reticent in the future to assume that changes in policy rhetoric have any clear or consistent connection to changes in practices.

However, the results do suggest that there were robust national trends over the time period studied. If the changes in penal rhetoric were not responsible, what was? Although the data provide only limited information on the "why" question, it seems likely that these developments were determined by several contemporaneous trends.

The first piece of the story is that program participation rates were quite modest in the 1970s, despite the lofty rhetoric about the rehabilitative ideal. Rather than a world where the majority of inmates were participating in rehabilitative programming, inmate participation in academic, vocational, and counseling programs in the late 1970s was roughly comparable to participation in the early 1990s and in both time periods, the majority of inmates were not housed in special treatment facilities or participating in prison programs. However, the continuance of prison programs is not a simple path dependency story whereby programs continued their operations unchanged after the change in rhetoric. Instead, throughout the 1970s and 1980s, existing prison programs rapidly grew in capacity and expanded into new prisons to adapt to the rising prisoner population and accommodate increased overcrowding. This suggests that policy-makers and correctional administrators close to the criminal justice system continued to support inmate programs throughout this period.

The consistency in the earlier period may have also been due to the involvement (and later withdrawal) of the courts through inmate litigation. Data from the *Census of Correctional Facilities* show that the percent of state facilities under court order or consent decree for educational and training programs fell from roughly 11% in 1984 and 1990 to 7% in 1995, 1% in 2000, and 0.3% in 2005.[20] Similarly, court orders and consent decrees about staffing declined from approximately 12% in 1984 and 1990 to 1% in 2005.[21] Although court orders at their peak only directly affected a minority of facilities, they may have had an indirect effect by generating a fear of litigation or a normative environment that protected prison programming (Feeley & Rubin 1998).

The second part of the "why" question is what happened in the 1990s. The decline in participation rates for academic programs looks like a direct consequence of the de-investment in educational staff and suggests that academic programs became a less important a priority to policy-makers and/or prison bureaucrats and administrators. However, it is not clear what caused this devaluation of prison academic programs and whether it was a conscious policy decision to switch to reentry programs or a result of other economic and practical factors. In tough economic or politically contentious times, educational staff may be seen as more expendable (or less unionized and politically powerful) than correctional officers and professional staff. Educators may in particular compete with professional staff members, who may have become increasingly important in managing special-need populations, such as the mentally infirm, chronically ill, elderly, and female inmates (Blomberg & Lucken 2000). It is also true that the politics of education for inmates, especially higher education, are deeply contentious, making it hard for policy-makers to support expanded access to education for incarcerated individuals (Page 2004).

In addition, part of the explanation for the shift towards reentry programs undoubtedly rests on the growing popularity of reentry programs among both politicians and corrections professionals. For politicians, reentry programs allow for a new dialogue on punishment that supports rehabilitation while couching it in the language of public safety. For example, Barker (2009) argues that while the 2007 Prison Reform Act in California was publicized as a return to rehabilitation, it was framed "in the name of public safety and crime victims rather than in the name of offenders" (80). In addition, the most significant part of the reform bill was to increase prison capacity. Given the growing political interest in reentry programs, private and government funding streams have been much easier to access in recent years than funding for education.[22] In addition, corrections professionals may like

[20]However, during the same period, courts have grown more likely to include specialized treatment requirements in felons' sentences. Between 1991 and 2004, the percent of inmates (admitted in the last 5 years) who reported that they were ordered by a judge to participate in programming increased from 8 to 18% for alcohol and drug treatment, 1 to 6% for sex offender treatment, and 1 to 5% for general psychological treatment.

[21]See also Schlanger 2006.

reentry programs because they seem to address the practical or concrete needs of returning offenders (particularly in a context where inmates are often released without the oversight and planning of a parole board) and the problem of "revolving door" justice. There is also evidence that reentry related programs are cheaper to run, both because they are shorter in duration and because they require fewer and less credentialed staff members (LoBuglio 2001).

It is also interesting to note that this shift in emphasis from education to reentry programs is aligned with broader changes in the conception of criminals. Whereas academic programs strive to give inmates the tools they need to overcome histories of social disadvantage, reentry related counseling programs provide techniques for inmates to manage themselves (e.g. anger management training) and to advocate for their own advancement (e.g. job application training). This focus on internal management and practical tools for reentry is consistent with the recent shift back towards the rational actor model of crime (Lynch 2008) and the neo-liberal emphasis on personal responsibility in contemporary politics (Wacquant 2009). As intensive general education and counseling programs were perhaps seen as the best response to deficient neighborhood and family conditions in the rehabilitative era, short and direct reentry related programs that change inmates' cognitive-behavioral patterns and give them instructions on how to find employment after release may be the new ideal-type response for the punitive era. It should be noted that this shift was by no means pre-determined, since education programs could have also been re-framed in the rational actor model as a way to increase ex-felons' earning potential and therefore make crime a less attractive alternative. However, as discussed above, this perspective is notoriously hard to sell to the public given the extreme hostility towards government funding of prison education programs.

These changes likely have implications for recidivism trends, although the evidence on the direction of this effect is mixed. In a meta-analysis of the literature on prison programs, Gaes and colleagues (1999) argue that behavioral and cognitive programs generally have larger effects on recidivism than academic classes and vocational training. However, it is unclear how much the average reentry-related prison program matches the ideal cognitive-behavioral interventions used in pilot programs. For instance, services are most effective in the context of multi-modal programs with appropriate after-care and it is likely that most programs in operation do not meet this bar. Furthermore, these prison-based reentry programs may be more aptly grouped with "life skills programs," rather than behavioral and cognitive programs, and criminologists have not come to a conclusion about the effectiveness of such programs (MacKenzie, 2006).

Turning to broader conclusions, these results have important implications for punishment theories that focus on the meanings of rehabilitation and punitiveness. First, while there was remarkably continuity in programs between 1979 and 1990, when the rhetoric would have suggested profound changes, the composition and meaning of prison programs did change quite dramatically in the 1990s. This shows that although punishment may always be "braided" or "variegated," it can still shift in form as political and administrative realities change (Hutchinson 2006). Second, the results provide another example of the historically-contingent meaning of rehabilitation and suggest that in the contemporary era, rehabilitation is increasingly being redefined as practical "how-to" classes and general counseling programs for inmates rather than personal transformation through education.

[22]However, federal funding from the Office of Justice Programs for reentry programs did not begin until 2002, long after the initial rise in these programs in prisons. See: www.ojp.usdoj.gov/BJA/grant/reentry.html.

This work also has implications for the theorists of punishment who seek to understand the punitive turn and contemporary era. The stasis of programs until 1990, for example, validates Garland's (2001) claim that the new structures of punishment are erected on the foundations of the old, which still deeply influence penal policy. Garland, however, is perhaps too optimistic about the continuity of programs and services given the large changes seen in the 1990s and into the 2000s. Given the increase in reentry programs, which are explicitly focused on managing the risks ex-offenders pose upon release, the results are also broadly consistent with the shift from a concern with the reformation of individuals towards the management of classes of ex-felons for public safety change identified in the new penology (Feeley & Simon, 1992). The data also show an increased concern for the category of "sex offenders," a group often highlighted as emblematic of the new punishment response. Sex offender programs appear as a special type of programming in the 2000 *Census of Facilities* and spreads to an increased number of facilities between 2000 and 2005.

In addition, the results support the contention that scholars need to more carefully consider the variegated facets of the penal field, rather than assuming that all practices have been on a trajectory towards more harm. It is undoubtedly true that there have been increases in many measures of punitiveness, most significantly the size of the imprisoned population, but not all aspects of the field have followed this trajectory. Even within the fairly narrow category of prison programming, we have seen that different programs can follow strikingly different trajectories across time. These programs also have deeply varied political meanings and implications for the nature of inmate rehabilitation. This suggests that it is important to distinguish different aspects of punitiveness and rehabilitation, since they are likely driven by different political, economic, and social factors. Understanding these processes is critical for understanding the current state and historical process of penal practices.

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Appendix A. Inmate Program Participation Logistic Regression Results

	Academic Programs			Reentry Related Programs		
	1991	**1997**	**2004**	**1991**	**1997**	**2004**
Participation Rate for Reference Group	64%	45%	36%	17%	24%	31%
Odds Ratios for Demographic Characteristics						
Age <25 Years	1.167*	1.634*	1.681*	0.894	0.894	1.046
	(0.065)	(0.105)	(0.118)	(0.070)	(0.066)	(0.076)
Age 35–45 Years	0.729*	0.780*	0.766*	0.771*	0.854*	0.934
	(0.038)	(0.041)	(0.047)	(0.052)	(0.048)	(0.055)
Age 45+ Years	0.524*	0.616*	0.649*	0.509*	0.735*	0.639*
	(0.049)	(0.048)	(0.049)	(0.052)	(0.064)	(0.049)
Female	1.127	1.241	1.546*	1.421*	1.493*	1.721*
	(0.142)	(0.145)	(0.174)	(0.230)	(0.185)	(0.219)

	Academic Programs			Reentry Related Programs		
	1991	1997	2004	1991	1997	2004
High School Graduate	0.391*	0.365*	0.349*	1.239*	1.193*	1.180*
	(0.021)	(0.023)	(0.022)	(0.078)	(0.063)	(0.051)
Incarcerated 0–1 Yrs	0.382*	0.443*	0.479*	0.619*	0.562*	0.502*
	(0.026)	(0.027)	(0.029)	(0.066)	(0.042)	(0.038)
Incarcerated 3–5 Yrs	1.253*	1.728*	1.422*	1.241*	1.442*	0.997
	(0.109)	(0.125)	(0.101)	(0.127)	(0.119)	(0.076)
Incarcerated 5+ Yrs	1.887*	2.587*	2.322*	1.509*	1.694*	1.567*
	(0.242)	(0.269)	(0.182)	(0.188)	(0.163)	(0.142)
Black	1.076	1.098	1.109	1.226*	1.065	1.000
	(0.060)	(0.061)	(0.060)	(0.085)	(0.066)	(0.063)
Latino	1.077	1.033	0.936	1.090	0.914	0.830*
	(0.088)	(0.075)	(0.072)	(0.115)	(0.082)	(0.077)
Other Race	1.282	1.226	1.188*	1.213	0.843	1.132
	(0.171)	(0.150)	(0.093)	(0.246)	(0.133)	(0.111)
N Observations	13,600	13,562	13,501	13,562	13,555	13,490

*p less than 0.05

Note: Standard errors in parenthesis. Standard errors were corrected for facility-level clustering. The reference category is a white male between the ages of 25 and 35 years who does not have a have a high school diploma and has been incarcerated 1 to 3 years. Both age and length of incarceration were included in the regression model as a series of dummy variables because they displayed non-linear effects that were not easily summarized by a logged variable or quadratic term. Cases with missing information were excluded from the regressions.

Biography

Michelle S. Phelps is a Ph.D. candidate in Sociology and Social Policy at Princeton University. Her interests are in the sociology of punishment, particularly the punitive turn in the U.S. and the relationship between mass incarceration and probation sentences. Ms. Phelps is a recipient of the National Science Foundation Graduate Research Fellowship and the Jacob K. Javits Department of Education Graduate Fellowship.

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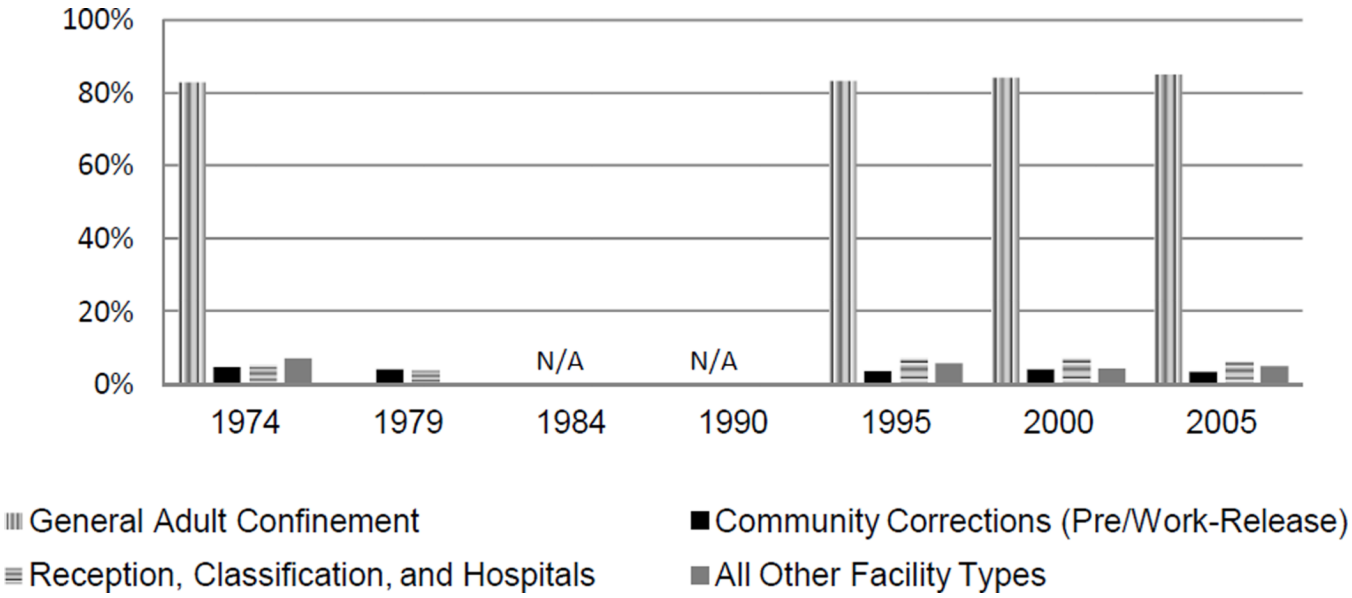

Figure 1. Percent of Inmates in Selected Types of Facilities 1974–2005
Note: General confinement facilities were not uniquely identified in the 1979 data. No primary facility designations were available for 1984 and 1990.

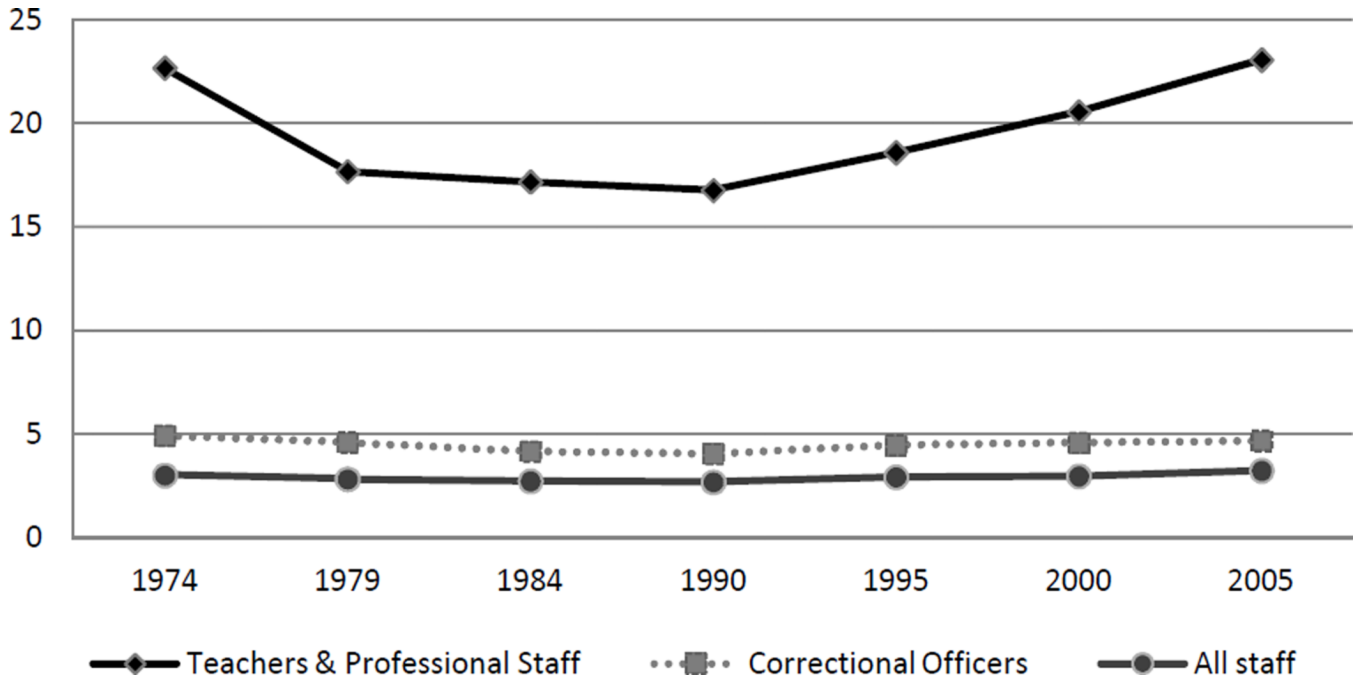

Figure 2. Inmate to Staff Ratios for Correctional Officers and Educational/Professional Staff, 1974–2005

Note: Staffing data cannot be seperated into categories for teachers and professional staff in 1979 and 1984.

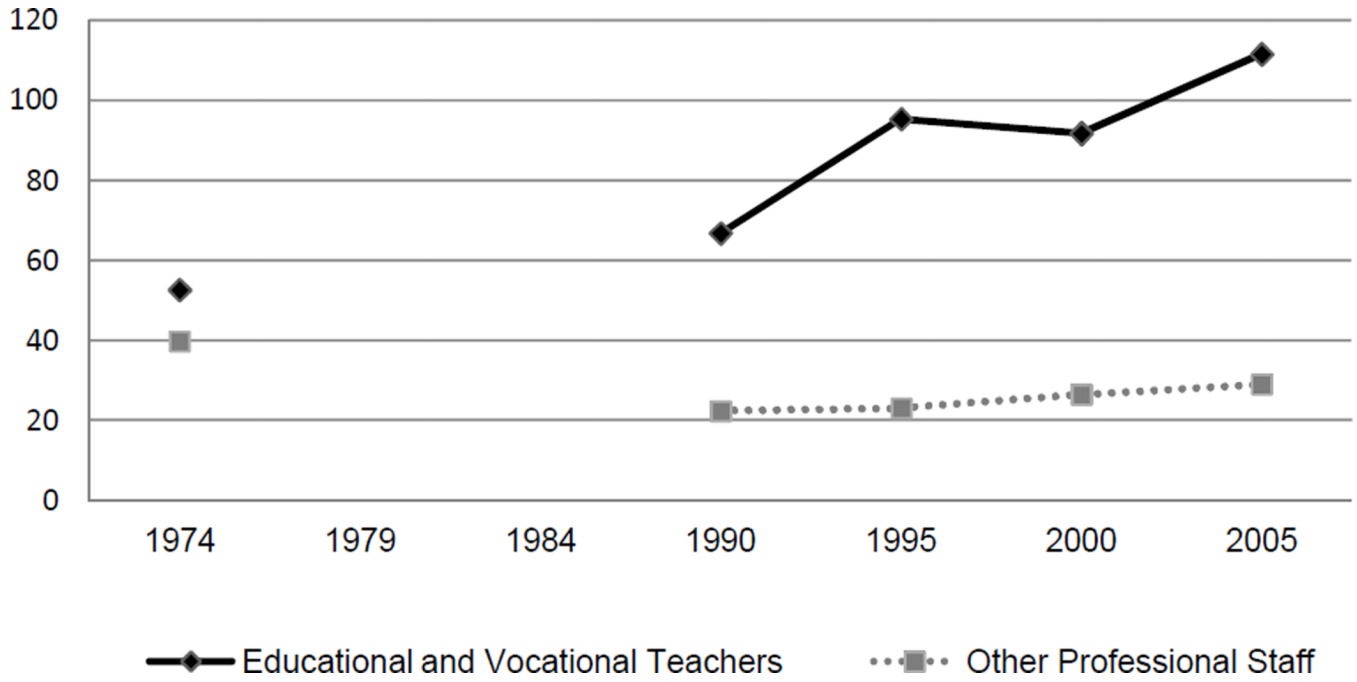

Figure 3. Inmate to Staff Ratios for Teachers and Professional Staff 1974–2005
Note: Staffing data cannot be seperated into categories for teachers and professional staff in 1979 and 1984.

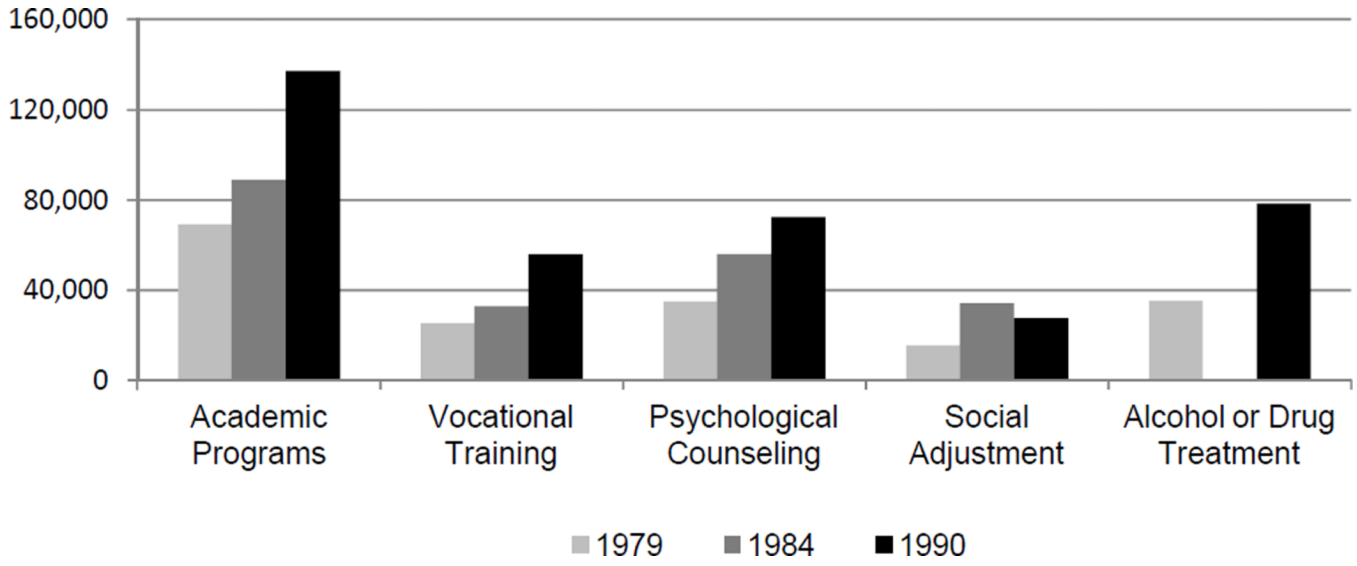

Figure 4. Percent of Inmates Currently Participating in Selected Programs 1979–1990
Note: Information on alcohol or drug treatment programs is missing for 1984.

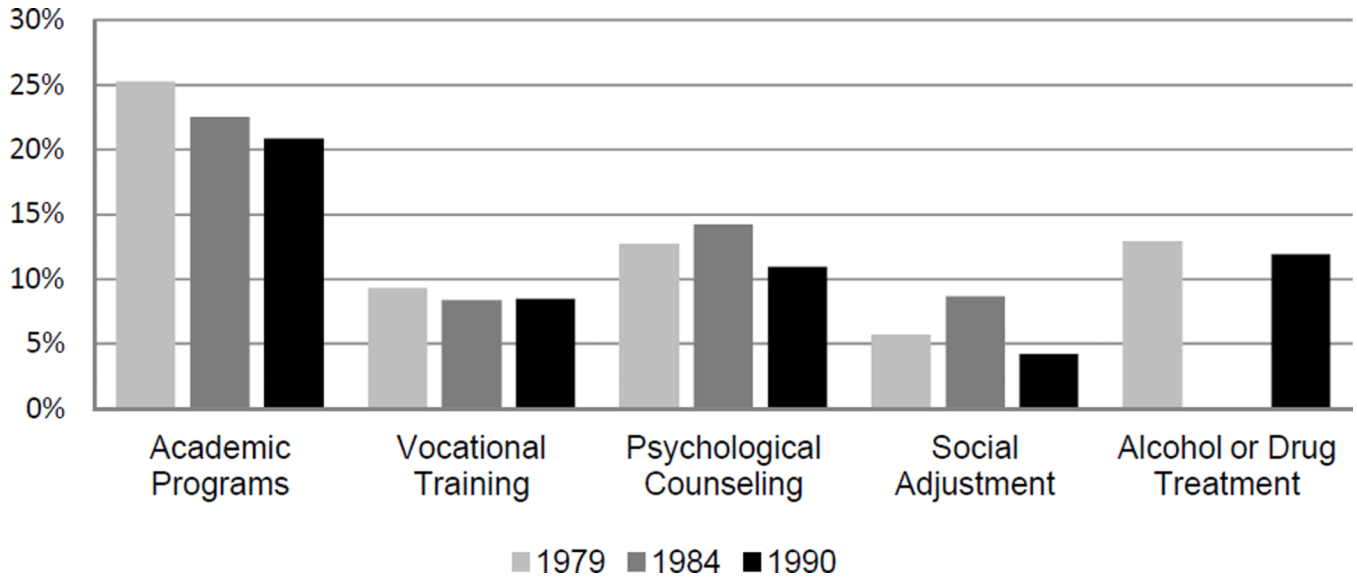

Figure 5. Percent of Inmates Currently Participating in Selected Programs 1979–1990
Note: Information on alcohol or drug treatment programs is missing for 1984.

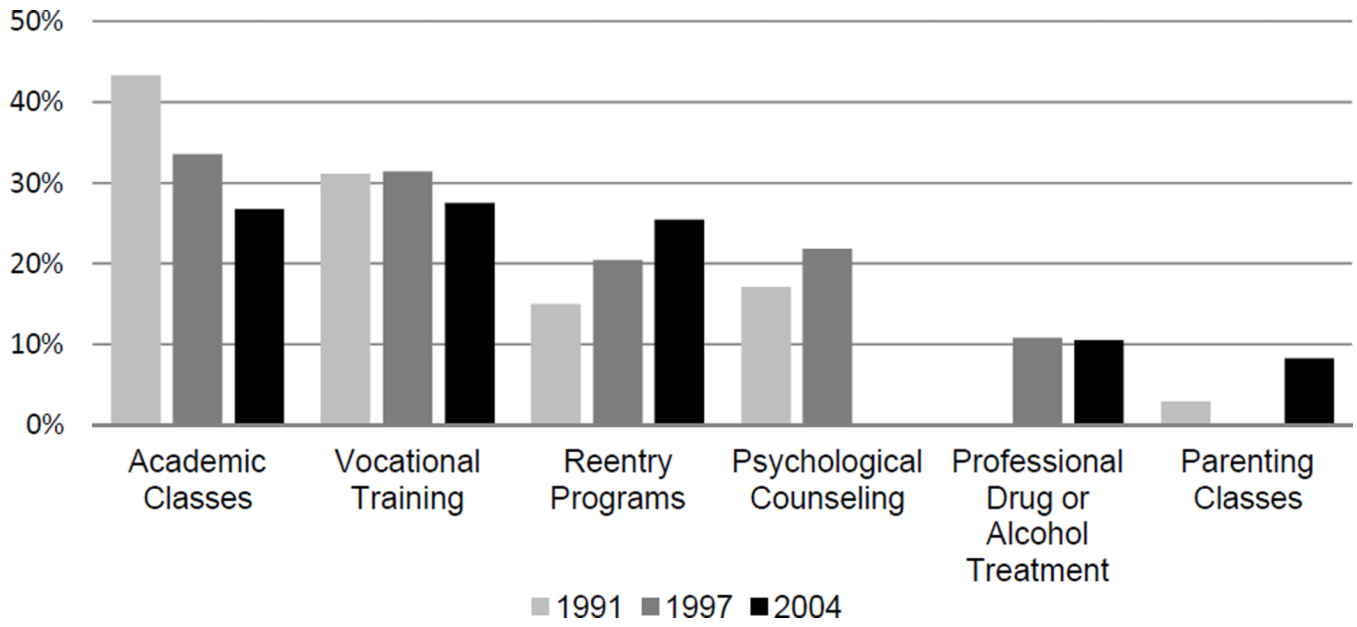

Figure 6. Percent of Inmates Reporting Participation since Admission 1991–2004
Note: Infomation on psychological counseling programs is missing for 2004. Information on profesional drug and alcohol treatment is missing for 1991. Information on parenting classes is missing for 1997.

Table 1

Percent of Facilities Reporting Presence of Programs 1995–2005

	1995	2000	2005
Education Programs	(%)	(%)	(%)
GED	78	81	81
ABE	74	77	73
Vocational	52	53	53
Special	33	36	35
College	30	26	34
Counseling Programs			
Life Skills and Community Adjustment	65	70	79
Drug Dependence	87	89	74
Alcohol Dependence	89	88	74
Employment Counseling	59	63	73
Psychological Services	67	61	58
HIV/AIDS Counseling	N/A	53	53
Parenting / Childrearing	35	44	45
Sex Offender Counseling	N/A	32	34
Other Programs	19	25	17